

REMARKS

Claims 1-16 are pending in the application. Claims 1, 7 11, 14 and 16 are the independent claims, and claims 11 and 14 have been amended.

The Claims Satisfy 35 U.S.C. § 101

The Office has rejected previously presented claims 11-15 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The Office contends that the claims fail to convey hardware support to actualize software functionality of the recited claim elements.

Although Applicants respectfully disagree with the Office's contention, in order to expedite issuance Applicants have amended independent claims 11 and 14 to overcome this rejection.

Accordingly, Applicants submit that independent claims 11 and 14 (in addition to claims 12-13 and 15, which depend from and further limit independent claims 11 and 14, respectively) satisfy 35 U.S.C. § 101, and reconsideration and withdrawal of the rejection of these claims is therefore respectfully requested.

The Claims Are Not Anticipated by Iyengar

The Office has rejected previously presented claims 1-4 and 6-16 under 35 U.S.C. § 102(e) as being anticipated by Iyengar (U.S.P. 6,874,146). Applicants respectfully traverse this rejection, and submit that each pending claim is patentably distinguishable over Iyengar.

In order for a claim to be anticipated under 35 U.S.C. § 102, the reference must disclose, either expressly or inherently, each and every element as set forth in the claim. M.P.E.P. § 2131. Such anticipation does not occur in the instant application, however, because Iyengar fails to disclose each and every element as set forth in the pending claims for at least the following reason:

Iyengar Does Not Teach or Suggest Generating a Repository

Independent claim 1 recites, in part, "receiving application framework metadata", "transforming the application framework metadata into an intermediate representation" and

“generating the software development repository as a function of the intermediate representation”. Independent claims 7 and 16 include similar recitations.

The Office contends that the “generating the . . . repository” claim element is anticipated by Iyengar, but Iyengar makes no mention of generating any kind of repository, much less one based on an intermediate representation of received application framework metadata as claimed.

In support of its anticipation contention for this claim element, the Office cites three areas of Iyengar: Fig. 2, Fig. 4 and the specification text spanning col. 9, ln 45 to col. 10, ln 2. However, inspection of these citations fails to reveal any teaching or suggestion of generating a repository as claimed.

For instance, Fig. 2 portrays the interchange of information between tools and repositories using a standard format (i.e., “XMI”). Iyengar, col. 9, lns 1-20. FIG. 4 identifies different types of data abstractions according to a standard (i.e., “MOF”) metamodel architecture. Id. at col. 10, lns 26-61. The portion of Iyengar spanning col. 9, ln 45 to col. 10, ln 2, lists different types of metadata repositories in which metadata may be used. None of these citations bear any relation to generating a repository as claimed.

This is not surprising, given the nature of Iyengar’s disclosure. Iyengar is simply directed to “enabl[ing] easy interchange of metadata between modeling tools that are based on the Object Management Group UML and repositories that are based on OMG Meta Object Facility in distributed heterogeneous environments”. Thus, Iyengar is concerned with *moving* metadata *to and from* existing modeling tools and repositories, *not* with *generating repositories* based on metadata as claimed in the present invention.

Accordingly, for at least these reasons, Iyengar cannot anticipate independent claims 1, 7 and 16. Furthermore, as each of dependent claims 2-6 and 8-10 depend from and further limit independent claims 1 and 7, respectively, Applicants respectfully submit that for at least the same reasons as above claims 2-6 and 8-10 also cannot be anticipated by Iyengar under 35 U.S.C. § 102.

Further, independent claim 11 recites, in part, “receiv[ing] a meta-model specification”, “generating an intermediate representation of the meta-model specification” and “generat[ing] the object repository as a function of the intermediate representation”. Independent claim 14 includes similar recitations.

The Office contends that the “generat[ing] the . . . repository” claim element is anticipated by Iyengar for the same reasons as above. However, for at least the same reasons provided by Applicants above, Iyengar cannot anticipate independent claims 11 and 14. Furthermore, as each of dependent claims 12-13 and 15 depend from and further limit independent claims 11 and 14, respectively, Applicants respectfully submit that for at least the same reasons as above claims 12-13 and 15 also cannot be anticipated by Iyengar under 35 U.S.C. § 102.

The Claims Are Non-Obvious Over Iyengar

The Office has rejected previously presented claim 5 under 35 U.S.C. 103(a) as being unpatentable over Iyengar. Applicants respectfully submit that the Office does not establish a *prima facie* case of obviousness, because the suggestions or motivations provided by the Office do not cure the deficiencies of Iyengar (the 35 U.S.C. § 102 art) as explained above.

Accordingly, Applicants submit that all of the pending claims, independent and dependent, are non-obvious over Iyengar under 35 U.S.C. § 103.

CONCLUSION


It is respectfully submitted that, in view of the foregoing remarks, the application is in clear condition for allowance. Issuance of a Notice of Allowance is earnestly solicited.

Although not believed necessary, the Office is hereby authorized to charge any fees required under 37 C.F.R. § 1.16 or § 1.17 or credit any overpayments to Kenyon & Kenyon LLP's Deposit Account No. 11-0600.

The Office is invited to contact the undersigned at 202-220-4200 to discuss any matter regarding this application.

Respectfully submitted,

Dated: January 12, 2007


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